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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/600,543

06/23/2003

Eyal Nagar

25515

5757

20529 7590 04/16/2007  
NATH & ASSOCIATES  
112 South West Street  
Alexandria, VA 22314

EXAMINER

WONG, BLANCHE

ART UNIT

PAPER NUMBER

2616

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

04/16/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/600,543

Applicant(s)

NAGAR ET AL.

Examiner

Blanche Wong

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-14 and 16 is/are allowed.
- 6) ☒ Claim(s) 1,3,5 and 15 is/are rejected.
- 7) ☒ Claim(s) 2,4 and 6-8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 3-8 are objected to because of the following informalities: Each claim does not further limit the claim it depends on. The Applicant should rewrite each claim into independent form for proper claim language recitation. For example, claim 3 is directed to an enqueue processor, which depends on claim 1 that is directed to a data structure. Therefore, claim 3 fails to further limit claim 1 that it depends on. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. **Claim 15** is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The term "machine" in "a program storage device readable by machine" makes a non-statutory subject matter. It is unclear whether it means "a computer readable medium storing a computer program". Examiner suggests Applicant to reference the latest interim written description guideline for appropriate claim language.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1,3,5** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurth (US 2003/0145012) in view of Momirov (U.S. Pat No. 6,484,209)

With regard to claims 1 and 5, Kurth discloses **(Fig. 1)**

a structure point memory **(data buffer 40)**, each record storing a pointer **(data buffer 40 includes a plurality of areas which are addressed in the same fashion as the pointer array, para. [0013])**, a packet indicator indicating whether the segment is a first segment and/or a last segment in the packet **(entry count, para. [0013])**,  
a head and tail memory **(head pointer and tail pointer, para. [0013])**,  
a free structure memory **(free list 50, para. [0013])**.

However, Kurth fails to explicitly show a structure pointer associated with a successive segment.

Momirov discloses a structure pointer **(data structures and head and tail queue pointers in the switch memory, col. 7, lines 65-66)** associated with a successive segment.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include a structure pointer associated with a successive segment as taught in Momirov in Kurth. The suggestion/motivation for doing so would have been to provide for output organization. Momirov, col. 8, lines 2-3. Therefore, it would have been obvious to combine Momirov with Kurth for the benefit of a structure pointer

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associated with a successive segment, to obtain the invention as specified in claims 1 and 5.

With regard to claim 3, the combination of Kurth and Momirov discloses the data structure according to claim 1. Kurth further discloses an enqueue processor (controller 20, para. [0013]).

***Allowable Subject Matter***

6. **Claims 9-14,16** are allowed.

7. Claims 2,4,6-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter:

With regard to claim 7, the prior art of record fails to anticipate or make claim 2. See objection in para. 4.

With regard to claim 9, the prior art of record fails to anticipate or make obvious all the limitations in parts (a) and (b) and respective subparts.

With regard to claim 10, the prior art of record fails to anticipate or make obvious all the limitations in parts (a)-(d) and respective subparts.

With regard to claim 15, the prior art of record fails to anticipate or make obvious all the limitations in parts (a) and (b) and respective subparts.

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With regard to claim 16, the prior art of record fails to anticipate or make obvious all the limitations together.

**Conclusion**

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blanche Wong whose telephone number is 571-272-3177. The examiner can normally be reached on Monday through Friday, 830am to 530pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*BW*

BW  
March 17, 2007

*Alpus H. Hsu*

ALPUS H. HSU  
PRIMARY EXAMINER